

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

ABDI HASSAN,

Civil No. 06-3808 (JRT/JJG)

Petitioner,

v.

REPORT AND RECOMMENDATION

UNITED STATES DEPT OF HOMELAND
SECURITY IMMIGRATION & CUSTOMS
ENFORCEMENT,

Respondent.

This matter is before the undersigned United States Magistrate Judge on Petitioner's application for habeas corpus relief under 28 U.S.C. § 2241. The matter has been referred to this Court for report and recommendation pursuant to 28 U.S.C. § 636 and Local Rule 72.1. For the reasons discussed below, it is recommended that this action be DISMISSED WITHOUT PREJUDICE.

Petitioner, an inmate at the Sherburne County Jail in Elk River, Minnesota, commenced this action by filing a habeas corpus petition. (Docket No. 1.) The Court reviewed the file shortly after this action was commenced, and found the petition to be deficient in several respects. Therefore, by order dated September 25, 2006, (Docket No. 2), the Court directed Petitioner to file an amended habeas corpus petition that would cure the defects found in the original petition. That order clearly informed Petitioner that if he did not file an amended petition by October 20, 2006, the Court would recommend that this action be summarily dismissed pursuant to Fed. R. Civ. P. 41(b).

The deadline for filing an amended petition has now passed, and Petitioner has not submitted any new pleading. Indeed, the Court has received no communication of any kind from Petitioner since he filed his original petition. Therefore, it is now recommended, in accordance with the Court's prior order, that Petitioner be deemed to have abandoned this action, and that the action be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b). See also Link v. Wabash Railroad Co., 370 U.S. 626, 630-31 (1962) (recognizing that a federal court has the inherent authority to "manage [its] own affairs so as to achieve the orderly and expeditious disposition of cases").

Based upon the above, and upon all the records and proceedings herein,

IT IS HEREBY RECOMMENDED that:

This action be summarily **DISMISSED WITHOUT PREJUDICE**.

Dated: November 6, 2006

s/Jeanne J. Graham

JEANNE J. GRAHAM
United States Magistrate Judge

Pursuant to D. Minn. LR 72.2(b), any party may object to this Report and Recommendation by filing and serving specific, written objections by November 27, 2006. A party may respond to the objections within ten days after service thereof. Any objections or responses filed under this rule shall not exceed 3,500 words. A District Judge shall make a de novo determination of those portions to which objection is made. Failure to comply with this procedure shall operate as a forfeiture of the objecting party's right to seek review in the United States Court of Appeals for the Eighth Circuit.